

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FERNANDO HERNANDEZ, KENNETH CHOW,
BRYANT WHITE, DAVID WILLIAMS,
MARQUIS ACKLIN, CECILIA JACKSON,
TERESA JACKSON, MICHAEL LATTIMORE
and JUANY GUZMAN, Each Individually, And On Behalf Of
All Other Persons Similarly Situated,

Plaintiffs,

-against-

12 CV 4339 (ALC) (JLC)

THE FRESH DIET INC.,
LATE NIGHT EXPRESS COURIER SERVICES, INC. (FL),
FRESH DIET EXPRESS CORP. (NY),
THE FRESH DIET - NY INC. (NY),
FRESH DIET GRAB & GO, INC. (FL) a/k/a
YS CATERING HOLDINGS, INC. (FL) d/b/a
YS CATERING, INC. (FL),
FRESH DIET EXPRESS CORP. (FL),
SYED HUSSAIN, Individually,
JUDAH SCHLOSS, Individually,
and ZAIMI DUCHMAN, Individually

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum in Support of Motion to Enforce the Settlement Agreement and for Sanctions dated May 24, 2016, the Declaration of Walker G. Harman, Jr. dated May 24, 2016, and exhibits attached thereto, counsel for the Plaintiffs will move this Court, on a date and time to be set by the Court, before the Honorable Andrew L. Carter, United States District Judge, at the United States District Court, Southern District of New York, 40 Foley Square, Room 415, New York, New York 10007, for an Order granting Plaintiffs' motion to enforce and entering judgment on the Complaint on the grounds that Defendants have illegally withheld settlement funds from

Plaintiffs, and acted in bad faith related to the settlement. As per the Court's April 27, 2016 Order and May 9, 2016 Order, Defendants have by June 7, 2016, to file responses.

Dated: New York, New York
May 24, 2016

By: s/ Walker G. Harman, Jr.
Walker G. Harman, Jr. [WH-8044]
Edgar M. Rivera [ER-1378]
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